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C O N F I D E N T I A L BERLIN 000135

SIPDIS

STATE FOR ISN

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TAGS: [PREL](#) [PARM](#) [MARR](#) [EUN](#) [GM](#)

SUBJECT: SUBJECT: GERMAN OBJECTION TO USG FILING ON CCW  
PROTOCOL III

Classified By: POLITICAL MINISTER COUNSELOR GEORGE GLASS. REASONS: 1.4  
(B) AND (D).

¶1. (C) German MFA Arms Control Chief Peter Gottwald called PolCouns January 29 to make the USG aware of an "objection" that Germany and other European countries were filing relating to the January 2009 USG deposit of instruments of ratification of Protocol III (on use of incendiary weapons) of the 1980 Convention on Certain Conventional Weapons (CCW).

Gottwald recounted that the USG had apparently filed with the instrument a caveat to the effect that the USG wanted to respect the intent of the protocol, but could imagine where use of incendiary weapons were the lesser of two evils, and for such cases the USG reserved the right to use them.

¶2. (C) Gottwald recounted that though the protocol was old, the U.S. only last year deposited its instrument of ratification for this protocol. Because of the written reservation in the instrument, Germany and other countries were intending to "object" to the USG reservation. Gottwald mentioned that France, UK, Spain, Sweden, Netherlands and Belgium, plus others (NFI), all announced their intentions at a January 28 EU meeting to file objections in New York to the USG reservation. Gottwald noted that countries had until February 4 to file any reactions to the original USG instrument.

¶3. (C) Gottwald said that the German objection would not preclude the protocol from coming into force between the U.S. and Germany. He shared his belief that the language of the reservation stemmed from the era of President Bush. He said that the European objections would not necessarily change the course of the ratification/implementation of the protocol, but he suggested (hoped?) that Washington might look at this reservation language with an eye to possible revision.

¶4. (C) Gottwald emphasized that he was informing us of this coming German objection so that the U.S. was not surprised by it when the German language arrived at the UN depository in New York. We promised to convey the information and share any response.  
Murphy